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7 Attorney for Barry Addison Gray

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 BARRY ADDISON GRAY,
15 Petitioner/Defendant.
16

Case No. 2:95-cr-00324-JAD

STIPULATION TO CONTINUE REPLY
BRIEF DEADLINE
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
18 Acting United States Attorney, and Elizabeth O. White, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Sunethra Muralidhara, Assistant Federal Public Defender, counsel for Barry Addison Gray,
21 that the petitioner/defendant shall have to and including April 5, 2017, to file his reply brief.

22 The Stipulation is entered into for the following reasons:

23 1. On December 23, 2016, Mr. Gray filed a Motion to Vacate under 28 U.S.C. §
24 2255 ("Motion to Vacate"). ECF No. 35. On January 4, 2017, the Court stayed Mr. Gray's
25 Motion to Vacate until the Supreme Court issued its opinion in *Beckles v. United States*, Case
26 No. 15-8544. ECF No. 36. On March 6, 2017, the Supreme Court issued its decision in *Beckles*

1 and this Court lifted its stay and denied his Motion to Vacate. ECF No. 37. On March 14,
2 2017, Mr. Gray filed a Motion to Reconsider the Court's Order, ECF No. 37. ECF No. 38. The
3 government filed its response on March 22, 2017. ECF No. 39.

4 2. The Court provided a reply deadline of March 29, 2017. ECF No. 39. In
5 addition to Mr. Gray's reply deadline, undersigned counsel is working on four (4) cases related
6 to *Johnson v. United States*, 135 S. Ct. 2551 (2015) with due dates also within the next week.
7 Additionally, counsel is in the process of contacting over 100 clients regarding the *Beckles*
8 decision and the status of each clients' motion to vacate given the Supreme Court's ruling.

9 3. The Government does not oppose this 1-week extension.

10 4. The additional time requested herein is not sought for purposes of delay, but
11 merely to allow counsel for defendant sufficient time within which to be able to effectively and
12 thoroughly prepare the reply to the government's response.

13 This is the first stipulation to continue filed herein.

14 DATED this 28th day of March, 2017.

15 RENE L. VALLADARES
16 Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

17 /s/ Sunethra Muralidhara
18 By _____
19 SUNETHRA MURALIDHARA
Assistant Federal Public Defender

/s/ Elizabeth O. White
By _____
ELIZABETH O. WHITE
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 BARRY ADDISON GRAY,

8 Petitioner/Defendant.

Case No. 2:95-cr-00324-JAD-1

ORDER

9
10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

12 IT IS HEREBY ORDERED that the petitioner/defendant herein shall have to and
13 including April 5, 2017 to file his reply brief.

14 DATED this 29th day of March, 2017.

15 
16 _____
UNITED STATES DISTRICT JUDGE